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IN THE  
**Supreme Court of the United States**

OCTOBER TERM, A. D. 1943.

**No. 953**

**JAMES M. CRUME,**

*Petitioner,*

*vs.*

**PACIFIC MUTUAL LIFE INSURANCE CO.,**

*Respondent.*

**PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES CIRCUIT COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT AND BRIEF IN  
SUPPORT OF PETITION.**

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Petitioner obtained four copyrights on four separate books or publications of which he was the author. These four books had a common subject-matter, which was the reorganization of an insolvent or impaired life insurance company, out of its own assets only, and without the contribution of any new capital. Claiming that the Respondent had infringed some or all of these copyrights, Petitioner brought suit in the District Court for the Northern District of Illinois, Eastern Division, where a motion to dismiss was sustained, and the complaint dismissed for want of equity. This action was affirmed by the Circuit Court of Appeals for the Seventh Circuit, the Judges sitting upon that occasion being Circuit Judges Major and Kerner, and District Judge Lindley.

Petitioner's copyrighted books disclosed a plan or method by which an insolvent life insurance company could be reorganized out of its own assets and without the addition of any new capital. Respondent, having been adjudged insolvent by a California court of competent jurisdiction, sought to reorganize by taking the steps described by petitioner, and in its literature distributed to policyholders, creditors, and others in interest, respondent copied much of the material found in petitioner's copyrighted books.

Many points over which there was controversy such as the matter of laches, what was and was not in the public domain, and others, were abandoned in the Circuit Court of Appeals by respondent in its oral argument. These are not herein called to the attention of the Supreme Court, but there is one matter which, so far as petitioner is aware, has never been presented to the Supreme Court, though as the Circuit Court of Appeals explicitly recognized in its opinion, this point had been decided in some other circuits as petitioner contends, but which in the Seventh Circuit, was decided adversely to petitioner, thus presenting a divergence of opinion in different circuits which this Court now has the opportunity to harmonize and rectify.

The Copyright Act (U. S. Code, Title 17, Section 25) enumerates various items of relief available against infringers and in favor of copyright owners, but does not define infringement, leaving that open to the courts for judicial determination and adjudication. The question upon which a review is now sought by petitioner is this: Conceding that the public had the right to take every step and following every idea and every suggestion promulgated in petitioner's copyrighted works, did respondent thereby have the right to copy, publish and republish, and pirate petitioner's copyrighted books? In the Seventh Circuit, petitioner's contention that respondent's conduct

amounts to an infringement is characterized as preposterous; in other circuits petitioner's contention is upheld.

Petitioner, therefore, prays that a writ of certiorari be granted, limited to an inquiry and determination of whether or not respondent's acts amount in law to copy-right infringement.

Respectfully submitted,

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*Petitioner.*

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